

CITY COUNCIL OF THE CITY OF ANNAPOLIS

CHARTER AMENDMENT NO. CA-01-08 Revised

Introduced by Alderman Israel

LEGISLATIVE HISTORY			
First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
1/14/08			
Referred to:	Meeting Date:	Action Taken:	
Rules and City Gov't	09/02/08		

A RESOLUTION concerning

City Administrator

FOR the purpose of declaring certain principles clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; ~~requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen~~ providing that the aldermen shall have such administrative and professional staff and consulting services as may be provided for in the annual budget; and generally relating to the powers and duties of the elected and appointed officials.

BY repealing and reenacting with amendments the following portions of the City Charter:

Article I, Section 2
Article IV, Section 2
Article IV, Section 2A
Article IV, Section 11
Article V, Section 1
Article VI, Section 2
Article VI, Section 2B

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the City of Annapolis shall be amended as follows:

Article I, Section 2. Exercise of general powers.

The power of the city shall be exercised solely by the mayor, the city council, the city administrator, the commissions, boards, and committees and by the officers, agents and employees of the city acting under and by virtue of their respective authority as provided by law.

Article I, Section 3. Declaration of principles

It has long been recognized that there is a distinction between making policy and carrying out policy. The making of policy is a matter for elected officials who are directly accountable to the voters. However, the carrying out or implementation of policy is best left to appointed officials who are trained and experienced in public administration.

In carrying out policy, appointed officials may conclude that there needs to be a change in policy. It is entirely appropriate that these appointed officials recommendations for changing policy. However, any change in policy must be approved by elected officials.

Making appointed officials, who are professionally trained, responsible for providing routine municipal services in a timely, economical, and efficient manner will conserve the time of the Mayor. This will allow the Mayor to take a leading role in the development of public policies, enacting legislation that reflects these policies, and making sure that the City has the financial resources to support the implementation of these policies.

Article IV, Section 2. General powers and duties.

(a) The city council shall be the legislative body of the City of Annapolis vested with the power to enact laws. The city council shall have the authority to enact all laws necessary or convenient for the exercise of the powers granted to the City of Annapolis for the proper functioning of the government of the city and for enforcement of these laws. Except as otherwise provided by the city council, all laws adopted by the council shall take effect upon the date of adoption.

(b) The powers and duties of the city council include the power and duty to conduct oversight of the expenditure of public money and the delivery of municipal services.

~~(b)~~ (c) The city council shall sit as the planning and zoning authority of the city, except for those functions delegated to the board of appeals, the planning commission or to the planning and zoning director.

~~(e)~~ (d) The city council shall perform such other functions as specified in this Charter or

1 by ordinance, or as conferred upon local governing bodies by the laws of the State of
2 Maryland.

3
4 **Article IV, Section 2A. Limitation on conduct of aldermen.**

5
6 No individual alderman may direct the work of a director or employee of a department.
7 ~~An alderman who violates this prohibition is guilty of misconduct in office and is subject~~
8 ~~to expulsion from office~~ This prohibition does not preclude an alderman from submitting
9 an inquiry or request to a department director or employee of a department.

10
11 **Article IV, Section 11. Professional staff.**

12 ~~In preparing the annual operating budget, the mayor shall include sufficient funding to~~
13 ~~defray the expense of employing as full time permanent employees a budget analyst~~
14 ~~and financial adviser; a research assistant and an administrative assistant. Individuals~~
15 ~~holding these positions shall assist the aldermen acting collectively by majority vote with~~
16 ~~their work. The employment and supervision of these individuals is a matter for the~~
17 ~~aldermen~~ The aldermen shall have such administrative and professional staff and
18 consulting services as may be provided for in the annual budget.

19
20 **Article V, Section 1. Chief executive officer.**

21
22 The mayor shall be the chief executive of the city; The primary responsibilities of the
23 mayor are the formulation of policy and longrange plans; the recommendation of
24 implementing legislation; and the general supervision of the city's finances. ~~The~~ Except
25 in the emergency absence of the city admistrator, the mayor shall be the immediate
26 supervisor of the city administrator; and who is responsible for the day-to-day
27 administration of the municipal government and the delivery of municipal services. The
28 mayor may not direct the work of a director or employee of a department. A mayor who
29 violates this prohibition is guilty of misconduct in office and is subject to removal from
30 office in accordance with Article IV, section 6 In all matters relating to directing the work
31 of the departmental directors and employees, the mayor shall work through the city
32 administrator. The mayor shall devote full time to the duties of the office.

33
34 **Article VI, Section 2. Department directors--Duties generally, appointment;**
35 **removal; compensation.**

36
37 A. Each department shall be administered by a director who shall be the appointing
38 authority for that department, shall be responsible for the execution of the duties and
39 responsibilities of the department and shall perform such other functions as are
40 delegated from time to time by this Charter, by ordinance, or by the mayor.

41
42 Each director shall be appointed by the city administrator with the approval of the mayor
43 and shall be confirmed by the city council. In referring a nominee an appointee for

confirmation, the ~~mayor~~ city administrator shall describe the manner in which the ~~nominee~~ appointee fulfills the qualification for the position as enumerated in this article and as may be established by ordinance not inconsistent therewith. A director may be removed from office by the city administrator with the approval of the mayor. The compensation of each director shall be fixed by the city administrator with the approval of the mayor according to the provisions of an executive pay plan adopted by ordinance.

B. Upon the occurrence of a vacancy in the directorship of a department, the city administrator with the approval of the Mayor shall promptly designate a qualified person to serve as acting director. An acting director may exercise all the powers of the director and enjoy the immunity accorded to the director. An acting director shall receive such compensation as determined by the city administrator with the approval of the Mayor. However, if a directorship remains vacant for six months, no compensation may be paid to an acting director without the express consent of the Council. If a directorship remains vacant for an additional period of six months or more, further compensation for an acting director must be approved by the Council at every six month interval.

Sec. 2B. City administrator.

(a) There shall be a city administrator in the office of the mayor who shall be the chief administrative officer of the city. The city administrator shall be the direct subordinate of the mayor and the immediate supervisor of each department director. The city administrator shall serve as the supervising authority of the office of the mayor.

(b) The city administrator shall be appointed by the mayor and confirmed by the city council solely on the basis of his/her knowledge, experience and training. The city administrator may be removed from office by the Mayor and four or more of the aldermen. The city administrator shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least five years' experience in public administration; or an equivalent combination of education and experience. The city administrator shall be thoroughly familiar with contemporary budgeting and accounting practices.

(c) The city administrator shall devote full time to the duties of the office.

(d) The compensation of the city administrator shall be fixed by the mayor according to the provisions of an executive pay plan adopted by ordinance.

(e) The city administrator shall have the following additional powers and duties:

(1) To exercise supervisory authority over the department directors including the approval of all new hires and terminations for both civil service and contractual employees;

(2) To direct the operations of the city government;

- 1 (3) To supervise the office of mayor at the direction of the mayor and to be responsible
2 for the execution of the duties and responsibilities of the office of mayor;
3 (4) To supervise the preparation of the city budget;
4 (5) To assist the mayor in the formation of policy and the implementation of plans to
5 address demands for municipal services, enhance the quality of life and strengthen the
6 economic vitality of the city;
7 (6) To perform such duties not inconsistent with this Charter as may be delegated by
8 the mayor from time to time.
9

10 (f) In the event of a vacancy in the position of City Administrator, the Mayor shall
11 promptly appoint a qualified person to serve as acting City Administrator. The acting
12 City Administrator may exercise all the powers of the City Administrator and enjoys
13 the same immunity accorded the City Administrator. The acting City Administrator
14 shall receive such compensation as determined by the Mayor. However, if the
15 position of City Administrator remains vacant for more than six months, no
16 compensation may be paid to an acting City Administrator without the approval of
17 the Council at every six month interval.
18

19 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
20 **COUNCIL** that the date of adoption of this Resolution is _____, and the
21 amendments of the Charter of the City of Annapolis, hereby enacted shall become
22 effective on December 7, 2009, unless a proper petition for referendum hereon shall be
23 filed as permitted by law within 50 days of adoption, provided a complete and exact
24 copy of this Resolution shall be continuously posted on the bulletin board in the City Hall
25 until _____, and provided further that a copy of the title of this Resolution
26 shall be published in "The Capital", a newspaper of general circulation in the City of
27 Annapolis, or in any other newspaper of such general circulation, once in each of the
28 weeks on _____, _____, _____, and
29 _____.
30

31 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
32 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions
33 of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be
34 maintained appropriate certificates of publication of the newspaper or newspapers in
35 which the title of the Resolution shall have been published and if a favorable
36 referendum is held on the Charter change, shall declare the Charter change hereby
37 enacted to be effective on December 7, 2009, by affixing her signature hereto in the
38 space provided on the effective date of change.
39

40 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
41 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become
42 effective, either as provided herein or following a referendum, the Mayor shall send to
43 the Maryland Department of Legislative Services a copy of this Resolution showing the

1 number of Aldermen voting for and against it and a report on the votes cast for or
2 against the amendment hereby enacted at any referendum thereon and the date of
3 such referendum.

4
5 The above Charter Amendment was enacted by the foregoing Resolution which
6 was passed at a _____ meeting of the Annapolis City Council on _____, 2008;
7 _____ voting in the affirmative, _____ voting in the negative, _____ abstaining and _____
8 absent and the said Resolution becomes effective in accordance with law on the
9 _____ day of _____.

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13 **ADOPTED** this _____ day of _____, 2008.

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15
16 **ATTEST:**

THE ANNAPOLIS CITY COUNCIL

17
18
19
20 _____
21 **Regina C. Watkins-Eldridge, CMC**
22 **City Clerk**

BY: _____
ELLEN O. MOYER, MAYOR

23
24
25
26
EXPLANATION:

Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

**CA-01-07Revised
City Administrator
Staff Paper**

The purpose of this legislation is to do the following:

- Specify that the City Council has the “power and duty to conduct oversight of the expenditure of public money and the delivery of municipal services.” It should be noted that the Charter already states that the Council shall perform “such other functions as specified” in ordinance. Thus, arguably, the City Council already reviews the budget and monitors the delivery of municipal services.
- Aldermen may not direct the work of City employees. If guilty of doing so, then expulsion from office is possible. Sec. 309. Noninterference with executive branch. This concept is similar to Section 309 of the Anne Arundel County Code which reads in part: “Except for the purpose of inquiry, the Council and its members shall deal with the executive branch solely through the County Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive.”
- Three fulltime permanent staff are to be assigned to the City Council and be under the direct supervision of the City Council. This provision appears to conflict with the change above that prohibits the aldermen from directing City staff.
- The Mayor would become strictly a policy/planning position and would be prohibited from directing the work of any City employees other than the City Administrator.
- The City Administrator would be directly in charge of the daily operations of the City and could be removed from office by the Mayor and at least four of the eight aldermen.
- If the City Administrator position becomes vacant, then the Mayor is to promptly designate a replacement in an acting capacity. The Mayor may determine the pay for the acting City Administrator. If the position remains vacant after six months, then the City Council must approve the compensation every six months.

Prepared by: John Spencer, Law, 410-263-1184